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STATEMENT OF ROBERT R. LOUX

REGARDING THE

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DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGIC REPOSITORY
FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE
WASTE AT YUCCA MOUNTAIN, NYE COUNTY, NEVADA

The National Environmental Policy Act of 1969 is our basic national charter for protection of the environment. Among its purposes, and of great importance in considering a high-level nuclear waste disposal site at Yucca Mountain, is "fulfilling the responsibilities of each generation as trustee of the environment for succeeding generations." The NEPA (National Environmental Policy Act) process, of which this Draft Environmental Impact Statement is a part, "is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment." The environment referred to in NEPA includes the human environment, and protection of human health and safety is implicit in the goals of the Act.

The NEPA procedures, of which this hearing is a part, are designed to "insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." And, the purpose of the NEPA regulations is to assure that federal agencies respond according to the letter and spirit of the Act.

The NEPA process is the primary entree that the public has to participate in federal decision-making on actions that may or will significantly affect the environment, including the human environment. The Nuclear Waste Policy Act requires that the Department of Energy issue an EIS to accompany its Secretary's recommendation to the President that the nation go forward with development of a high-level nuclear waste repository at Yucca Mountain, if such a recommendation is made.

We are here today because the NEPA regulations include the requirement that agencies hold hearings to record, and then consider the comments of the public on EIS's they intend to issue. In the Final EIS, agencies must incorporate these comments, or explain why they did not incorporate them. Agencies must also accept written comments from the public on the Draft EIS's they issue.

Governor Guinn has assigned the Nevada Agency for Nuclear Projects to lead the State's review of this Draft EIS. We are preparing written comments, based on our technical analysis of this document that will be submitted to the department of Energy in the next few months.

But, it must be remembered that in 1989 our Legislature passed a bill making the storage of high-level nuclear waste illegal within the State. This action was taken not only to protect the health and safety of Nevadans and our neighbors in California, but also to protect our economy from the negative impacts that would accrue from our being the focal point for receipt of the nation's high-level nuclear waste from commercial power reactors as well as from our nuclear weapons plants. This was Nevada's response to a Congressional decision, in late 1987, to scrap the scientific site screening process for repository sites, as outlined in the Nuclear Waste Policy Act of 1982, and single out Yucca Mountain, Nevada as the only site to be considered for this dangerous facility that 14 other states had already outlawed or made impossible to implement.

Despite the Nuclear Waste Policy Act's exempting repository siting considerations from the heart of a true NEPA analysis - the need for a repository and any alternatives to the Yucca Mountain site - this Draft Environmental Impact Statement and the proposed action are still seriously flawed in a number of ways.

1 First, the No Action alternative, which is the only alternative to a Yucca Mountain repository development decision, is defined in such a way as to make it not only unreasonable and unsafe, but also unlawful. The National Environmental Policy Act requires that alternatives be reasonable.

This Draft EIS considers No Action to be either leaving irradiated nuclear fuel at the reactors, with no controls, for ten thousand years, or leaving it at the reactors with controls for 100 years and then with no controls for another 9,900 years. Neither case is reasonable, nor would it be permitted under the reactors' licenses that require full control of nuclear materials at the reactor site. The No Action alternative is prescribed in the Nuclear Waste Policy Act - if the Yucca Mountain site is unsuitable, the Secretary of Energy is to so inform Congress, make recommendations for future action, and wait for further direction, which assuredly would not be leaving the irradiated nuclear fuel on site with little or no control for 10,000 years.

For those of us who believe, on technical grounds, that the Yucca Mountain site is unsuitable for development as a repository, this Draft EIS does not offer a reasonable alternative.

8 2... This Draft EIS also does not describe the proposed project in a manner that allows an analysis of its impacts. A number of design alternatives and options are described and their impacts evaluated. The expectation of DOE is that whatever design is finally selected, its impacts will have been bounded by the analysis of the alternatives and options. The range of possible impacts is wide, and they all lead to releases of radionuclides

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from the repository that contaminate a groundwater source that is currently used for drinking water and agricultural purposes. What we don't know, and can't know from this Draft EIS, is how much is released, how fast it is released, and how soon it is released. In simple terms, this Draft EIS does not tell us what the future risks of the proposed repository are to people and the environment.

3 The Draft EIS does not analyze impacts associated with specific nuclear waste transportation routes, even though it is intended that it will be used at some time in the future to select transportation modes and routes from 75 individual waste sites to Yucca Mountain. Residents along potential transportation routes to Yucca Mountain - through 43 states, and within 1/2 mile of more than 50 million people - are most knowledgeable about local hazards, yet their specific knowledge is co-opted by the generic treatment of transportation risk in this Draft EIS. This generic approach also eliminates any substantial analysis of environmental justice, which leads the Draft EIS to conclude, despite dissenting opinion, that there are no environmental justice issues that require analysis.

5 The analysis of socioeconomic impacts in this Draft EIS does not include the impacts associated with perceived risk and stigma. It is well documented that negative reaction to nuclear waste ranks highest among reactions to risks within the U.S. population. In response to such perceptions, people behave in ways that have direct and measurable economic consequences (i.e. avoidance of places and products associated with nuclear imagery or stigma). The Draft EIS ignores this finding and does not consider the economic consequences of such stigma to cities, such as Las Vegas and other tourist destinations, and to rural communities, especially those associated with agricultural production. Is it too simplistic to say that nuclear waste is bad for marketing, no matter what the product? This is a fact of life that must be considered in any honest analysis of nuclear waste transportation and disposal.

6 And finally, the Proposed Action includes a permanent land withdrawal of 230 square miles, which includes the Yucca Mountain site with an area of less than 2 square miles. The southern boundary of the site, which is in the direction of groundwater flow from the site, is 12 miles from the buried waste. This is an unnecessarily large area to be withdrawn from all future public use, unless it is expected that the groundwater in this area will be so contaminated with radionuclides from the repository that public protection is required. If this is the case, it should be clearly stated in the Draft EIS.

As stated earlier, the State of Nevada will be submitting extensive written comments on this Draft Environmental Impact Statement for a high-level nuclear waste repository at Yucca

7 Mountain. It is our hope that these comments, and those of all others will be seriously considered, and that a reasonable No Action alternative is selected as the preferred action in the Final Environmental Impact Statement.